



MINUTES

Ordinary Council Meeting

31 October 2022

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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 31 OCTOBER 2022 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sally Davis, Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge (via Audio Visual Link), Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Leonie Brown (General Manager), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Dwayne Willoughby (Manager Environmental Services)

1 OPENING PRAYER

The Mayor opened the meeting with a prayer

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then provided an Acknowledgment of Country

3 REMEMBRANCE

Council stood in silence in the memory of the following recently deceased:

Donna-Lee Churchward	Mick Cullenward	Vernette Duffie
Volker "Snow" Freese	Shirley Honeyman	June Mathews
Joan McDonough nee Mason	Tanya McKellar	Shirley Nicholson nee Mackay

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Requests for a Leave of Absence were received from Councillor Sarah Barton and Councillor Lachlan Ford who were absent from the meeting for personal reasons.

Resolution 2022/226

Moved: Cr Cec Dorrington

Seconded: Cr Victor Bartley

That the apologies received from Cr Sarah Barton and Cr Lachlan Ford be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

A request to attend the meeting via Audio Visual Link was received from Councillor Grace Ridge who was unable to attend the meeting given her inability to travel due to overnight rain and resulting road conditions.

Resolution 2022/227**Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

That Cr Grace Ridge be permitted to attend the meeting via audio-visual link due to her inability to attend in person given her inability to travel due to overnight rain and resulting road conditions.

Carried

6 DISCLOSURES OF INTEREST

Cr Victor Bartley declared a less than significant non pecuniary interest in Item 15.3 of the Agenda – Geographical Names Board – The Pound Yard. The reason for such interest is that Cr Bartley previously resided at the Pound Yard. In making this declaration Cr Bartley advised that he would remain in the Chamber but would not contribute when Council considered this matter.

Cr Victor Bartley declared a pecuniary interest in Item 22.2 of the Agenda – Proposed Integrated Primary Health Care Centre. The reason for such interest is that Cr Bartley is a Director on the Board of Management for the Bourke Aboriginal Corporation Health Service. In making this declaration, Cr Bartley advised he would leave the Chamber and be out of sight when Council considered this matter.

Cr Sally Davis declared a pecuniary interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Davis owns land adjacent to the land the subject of the report and has a friendship with the landowner (Mr G Seiler). In making this declaration Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider Item 12.1 of the Agenda.

Cr Grace Ridge declared a pecuniary interest in Item 12.1 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Councillor Ridge and her family have a business relationship with the owner of the land detailed within the report. In making this declaration Councillor Ridge advised that she would leave the Chamber and be out of sight should Council separately consider Item 12.1 of the Agenda.

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES****File Number: M2.1**

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activities.

Resolution 2022/228**Moved: Cr Barry Hollman****Seconded: Cr Sally Davis**

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 31 October 2022 be noted.

Carried**8 STARRING OF ITEMS**

Council's Code of Meeting Practice provides that Council may at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.

In this regard the council had before it a list of reports, unstarred, with such items proposed to be adopted by Council in a single resolution. The following additional report was identified by Council to be starred for individual consideration.

Item No	Name of Report	Officer
14.2	Draft Regional Plan	Dwayne Willoughby
21.1	Activity Report – Engineering Services Road Works and Workshop – Works Undertaken	Paul Flanagan

Resolution 2022/229**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the the recommendations as detailed in the un-starred items as contained in the Agenda for the Ordinary Meeting of Council, held on Monday, 31 October 2022 be adopted save and except for Item No 14.2 and Item No 21.1 of the Agenda, with such items to be considered seperately.

Carried

9 CONFIRMATION OF MINUTES**Resolution 2022/230****Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

That the minutes of the Ordinary Council Meeting held on 26 September 2022 taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger except in respect of Agenda Item 3 – Remembrance, it be noted that the name Suzanne Mansfield should be corrected to read Suzanne Mansell and the final sentence on Page 20 of the Minutes be corrected such that it reads “The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 31 October 2022.”

Carried**10 NOTICES OF MOTION**

Nil

11 RESCISSION MOTIONS

Nil

12 BUSINESS ARISING**12.1 *** BUSINESS ARISING****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Business Arising.

Resolution 2022/231**Moved: Cr Cec Dorrington****Seconded: Cr Robert Stutsel**

That the information in the Business Arising Report as presented to Council on Monday, 31 October 2022 be noted.

Carried

12.2 CALENDAR OF EVENTS**File Number: C12.6**

The Council had before it the report of the General Manager regarding the Calendar of Events.

Resolution 2022/232**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Calendar of Events Report as presented to Council on Monday, 31 October 2022 be noted.

Carried**12.3 INFORMATION TO COUNCILLORS****File Number: C12.1**

The Council had before it the report of the General Manager regarding the Information to Councillors.

Resolution 2022/233**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the contents of the Information to Councillors Report as presented to Council on Monday, 31 October 2022 be noted.

Carried**13 ENGINEERING SERVICES DEPARTMENT**

Nil

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**14.1 FOOD SURVEILLANCE ACTIVITY REPORT 2021/2022****File Number: H1.5**

The Council had before it the report of the Manager Environmental Services regarding the Food Surveillance Activity Report 2021/2022.

Resolution 2022/234**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information contained within the Food Surveillance Activity Report be noted by Council.

Carried**14.2 DRAFT FAR WEST REGIONAL PLAN 2041****File Number: T1.5**

The Council had before it the report of the Manager Environmental Services regarding the Draft Far West Regional Plan 2041.

Resolution 2022/235**Moved: Cr Sam Rice****Seconded: Cr Robert Stutsel**

That Council note the information contained within the Draft Far West Regional Plan 2041 Report.

Carried

15 GENERAL MANAGER**15.1 DISCLOSURE OF INTEREST IN WRITTEN RETURNS****File Number: C11.7,S2.29**

The Council had before it the report of the General Manager regarding the Disclosure of Interest in Written Returns.

Resolution 2022/236**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

1. That the tabling of the Disclosure of Interest Returns at the Ordinary Meeting of Council held on 31 October 2022, as detailed in the report of the General Manager, be noted.
2. That as per Information Access Guideline 1, as issued by the NSW Information Commissioner, Council proceed to publish the tabled Disclosure of Interest Returns of Councillors and Designated Persons on the Council website, on the basis of addresses and signatures on each Return being redacted prior to publication.

Carried**15.2 *** CHRISTMAS - NEW YEAR CLOSURE****File Number: A3.10.1**

The Council had before it the report of the General Manager regarding the Christmas - New Year Closure.

Resolution 2022/237**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

1. That Councils Shire Office and Library close at 2.30pm on Friday, 23 December 2022 and re-open at their respective regular opening times on Monday, 9 January 2023.
2. That Councils other facilities including the Memorial Swimming Pool, Waste Depot and Back O' Bourke Exhibition Centre close for Christmas Day on Sunday, 25 December 2022, and that dates and times of operation for these facilities during the remaining days of Christmas/New Year period be determined by the General Manager, having regard to demand and operational requirements.
3. That it be noted that Council will maintain a skeleton crew to provide appropriate on-call staff to respond to urgent maintenance work or emergency situations during the holiday period.
4. That the community be advised of Councils Christmas/New Year holiday arrangements.

Carried

15.3 * GEOGRAPHICAL NAMES BOARD - THE POUND YARD****File Number: A2.1, A2.2.16, H3.3**

The Council had before it the report of the General Manager regarding the Geographical Names Board - The Pound Yard.

Resolution 2022/238**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That Council advise the NSW Geographical Names Board that whilst it raises no objection to the name "Pound Yard", it is considered imperative that the Board consult with appropriate Aboriginal persons before any decision is ultimately made.

Carried**16 CORPORATE SERVICES DEPARTMENT****16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES****File Number: F1.1**

The Council had before it the report of the Acting Manager Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2022/239**Moved: Cr Sally Davis****Seconded: Cr Cec Dorrington**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 September 2022 be noted.

Carried

16.2 * INVESTMENT REPORT AS AT 30 SEPTEMBER 2022****File Number: F1.1**

The Council had before it the report of the Acting Manager Corporate Services regarding the Investment Report as at 30 September 2022.

Resolution 2022/240**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

- 1. That the report regarding Council's Investment Portfolio 30 September 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried**16.3 *** 2021/2022 AUDITED FINANCIAL STATEMENTS AND AUDITORS REPORTS****File Number: A13.2**

The Council had before it the report of the General Manager regarding the 2021/2022 Audited Financial Statements and Auditors Reports. The Council reports having met, via audio-visual link, with Mr Manuel Moncada from the NSW Audit Office and Mr Brett Hangar from Nexia Australia Accountants in respect of this matter.

Resolution 2022/241**Moved: Cr Cec Dorrington****Seconded: Cr Sally Davis**

That the 2021/2022 Bourke Shire Council Audited Financial Statements and Auditors Report as presented to Council on Monday, 31 October 2022, be adopted.

Carried

16.4 * QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2022****File Number: F1.1, F1.6**

The Council had before it the report of the Acting Manager Corporate Services regarding the Quarterly Budget Review to 30 September 2022.

Resolution 2022/242**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

- 1. That the document entitled “Quarterly Budget Review Statement – September 2022” be received and noted**
- 2. That the variations of income and expenditure as identified in the “Quarterly Budget Review Statement – 2022” be adopted.**

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT**

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS**21.1 ACTIVITY REPORT - ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS UNDERTAKEN****File Number: E7.1**

The Council had before it the report of the Manager Roads regarding the Activity Report - Engineering Services Road Works & Workshop - Works Undertaken.

Resolution 2022/243**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

That Council note the information in the Roads Department Road Works and Workshop Activity Report as presented to Council on Monday, 31 October 2022.

Carried**21.2 ACTIVITY REPORT - PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT****File Number: E7.1**

The Council had before it the report of the Manager Works regarding the Activity Report - Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report.

Resolution 2022/244**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That Council note the information in the Parks and Gardens, Town Services and Water and Wastewater Engineering Services Department Activity Reports as presented to Council on Monday, 31 October 2022.

Carried

21.3 PLANNING, REGULATORY & ENVIRONMENTAL SERVICES ACTIVITY REPORT**File Number: D3.1-A11.1-A8.1**

The Council had before it the report of the Manager Environmental Services regarding the Planning, Regulatory & Environmental Services Activity Report.

Resolution 2022/245**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Planning, Regulatory and Environmental Services Activity Report as presented to Council on Monday, 31 October 2022 be received and noted.

Carried**21.4 GENERAL MANAGER'S ACTIVITY REPORT****File Number: G2.1**

The Council had before it the report of the General Manager regarding the General Manager's Activity Report.

Resolution 2022/246**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the General Manager's Activity Report as presented to Council on Monday, 26 September 2022 be noted.

Carried**21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR SEPTEMBER 2022****File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for September 2022.

Resolution 2022/247**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Library Manager's Report for September 2022 as presented to Council on Monday, 31 October 2022 be noted.

Carried

21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT**File Number: T4.3**

The Council had before it the report of the Coordinator Tourism Operations regarding the Tourism & Events Manager's Activity Report.

Resolution 2022/248**Moved: Cr Robert Stutsel****Seconded: Cr Sam Rice**

That the information in the Tourism and Events Managers Report for September 2022 as presented to Council on Monday, 31 October 2022 be noted.

Carried

22 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2022/249

Moved: Cr Robert Stutsel

Seconded: Cr Sally Davis

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 * Proposed Integrated Primary Health Care Centre**

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

22.2 * Sale of Land for Unpaid Rates and Charges**

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

22.3 * Construction of New Cell - Bourke Waste Management Facility
Tender Number 02/23**

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

22.4 * Works at Bourke Airport**

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 9.57am.

At this juncture, Cr Victor Bartley left the meeting, the time being 9:58 am.

22.1 * PROPOSED INTEGRATED PRIMARY HEALTH CARE CENTRE**

File Number: A11.1, H1.1, H1.15

The Council had before it the report of the General Manager regarding the Proposed Integrated Primary Health Care Centre.

Resolution 2022/250

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

- 1. That Council proceed to sell Lots 7,8,9 and 10 DP 35797 Mitchell St, Bourke at a combined price of \$45,000 (ex GST) to the Bourke Aboriginal Corporation Health Service.**
- 2. That any necessary documents be executed under the Common Seal of Council.**
- 3. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

At this juncture, Cr Victor Bartley returned to the meeting, the time being 10:00 am.

22.2 * SALE OF LAND FOR UNPAID RATES AND CHARGES****File Number: R2.10**

The Council had before it the report of the General Manager regarding the Sale of Land for Unpaid Rates and Charges.

Resolution 2022/251**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

- 1. That the land listed in Attachment 1 herewith be included in a sale of land for unpaid rates and charges by way of public auction, or by private treaty subsequent to such public auction, pursuant to Section 713 of the Local Government Act 1993.**
- 2. That the General Manager be authorised to perform the necessary actions to facilitate the conduct of such public auction, including the authority to determine reserve prices for the various allotments, negotiate the terms of the sale of any land listed in Attachment 1, even if the reserve price is not reached.**
- 3. That the General Manager be authorised to apply the proceeds of any such sales and to write off any rates, charges or costs incurred through the sale of land process which are not recovered by the sale.**
- 4. That the General Manager be authorised, and Council reserves the right, to withdraw any property from sale for technical or legal reasons.**
- 5. That the Centre for Sustainable Debt Recovery Pty Ltd, t/as Recoupa, be appointed to administer the sale on Council's behalf.**
- 6. That the General Manager be requested to review the various properties as to them having any strategic benefit to Council, for a further report to Council, if required.**
- 7. That the Mayor and General Manager be authorised to execute all relevant documentation to affect such sales.**
- 8. That the documents and considerations in respect of this matter remain confidential to the Council.**

Carried

22.3 * CONSTRUCTION OF NEW CELL - BOURKE WASTE MANAGEMENT FACILITY
TENDER NUMBER 02/23****File Number: W1.3**

The Council had before it the report of the Manager Environmental Services regarding the Construction of New Cell - Bourke Waste Management Facility Tender Number 02/23.

Resolution 2022/252**Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis**

- 1. That the contract for the construction of landfill Cell No 5 at the Bourke Waste Management Facility, being Tender Number 02/23, be awarded to Karl Macdonald Cutting Edge Excavation and Haulage at a tendered price of \$196,838 (Ex GST).**
- 2. That the necessary documents be executed under the Common Seal of Council.**
- 3. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

22.4 * WORKS AT BOURKE AIRPORT****File Number: A6.17**

The Council had before it the report of the Manager Works regarding the Works at Bourke Airport.

Resolution 2022/253**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

- 1. That Council proceed to engage CJC Management Pty Ltd to undertake Package 1 Works and if required, Package 2 Works, as per the scope of works as detailed in the report herewith, and at a price of \$7,750 (Ex GST) and \$45,000 (Ex GST) respectively, relating to the Pavement Condition Assessment of the Bourke Airport.**
- 2. That the General Manager be requested to take the necessary action to source a contractor to undertake the resealing and crack sealing works at the Bourke Airport, to meet the requirements of Section 55 of the Local Government Act regarding Tendering, for a report to Council in due course regarding the engagement of a contractor.**
- 3. That pending the outcome of the Condition Assessment Report and consideration of the findings, the General Manager be requested to seek pricing for a higher specified sealing on the Bourke airport Runway for report to Council, if required.**
- 4. That it be noted that Council has sourced grant funding towards the resealing project under the Australian Governments Rural Airports Upgrading Program and that funding of up to \$260,000 be sourced from Councils Infrastructure Renewal Reserve towards the resealing and pavement assessment projects.**
- 5. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried**Resolution 2022/254****Moved: Cr Robert Stutsel****Seconded: Cr Sally Davis****That Council moves out of Closed Council into Open Council.****Carried**

Open council resumed at 10.20am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manager read to the meeting the Councils resolutions as determined in the Closed Session of Council.

The Meeting closed at 10.25am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 November 2022.

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CHAIRPERSON